

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 18 - 33 are pending in the application. It is noted that the office action mailed May 28, 2008 says that the claims including a claim 34; however, this is not correct. The preliminary amendment filed January 20, 2005, in the instant application cancelled original claims 1 - 17 in favor of new claims 18 - 33. There was no claim 34 in the preliminary amendment.

All pending claims currently stand rejected.

By the present amendment, claim 18 has been amended. Further, claim 23 has been amended to delete reference to "(20)" and not for reasons relating to patentability.

In the office action mailed May 28, 2008, the Examiner required Applicants to include a reference to the claim for priority for French application no. 02/09383, filed July 24, 2002. Applicants have amended the specification accordingly.

Further in the office action, the Examiner raised an objection to the drawings. The objection appears to be incorrect. A review of the claims in this case shows that there is no reference to a "locking pin" in claims 18 and/or in any of claims 24 - 28. Thus, there is no need to amend the drawings.

The objection to the Abstract is noted; however, the preliminary amendment filed in this case on January 20, 2005, amended the Abstract to contain less than 100 words, to be clear and concise, and to avoid implied phrases. The Examiner is requested to remove this objection.

Claims 18 - 34 were rejected under 35 U.S.C. 112, second paragraph; however, this rejection appears erroneous in places. By the present amendment, claim 18 has been amended to remove duplicate language from the phrases in claim 18, line 8 and in claim 18, lines 17 - 18. The remaining phrases which the Examiner finds objectionable in the office action are not present in the cited claims. As for the phrase "the width of three fingers" which appears in claim 32, it is submitted that the phrase is absolutely clear. If one places three fingers in contact with each other, they will have a width. One of ordinary skill in the art would readily know that and thus understand the claim.

With respect to the rejection of claims 18 - 32 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,704,092 to Niccollet or U.S. Patent No. 6,000,100 to Montgelard, these rejections fail for the following reasons. The instant application refers to a removable gripping device with actuation means that are mobile between a rest position and an actuation positions. It does not refer to a removable gripping device with a locking means as indicated in the office action. The claims in the instant application are directed to a removable gripping device which comprises two members forming a gripper, displacement means for displacing said two members forming the gripper, which displacement means comprise a lever, and actuating means separate from the displacement means and installed free to translate on the gripping body along a direction approximately parallel to the longitudinal direction of the gripping body between a rest position and an actuation position in which the

actuating means make the lever move from a retracted position in which said members forming a gripper are in a closed position to an extended position in which said members forming a gripper are in an open position.

Neither of the cited and applied references discloses such a removable gripping device. In both of these references, the actuation means (a press button 24 in the '092 patent and two lateral wing portions in the '100 patent) is part of the lever (12 in the '092 patent and 5 in the '100 patent) that is a part of displacement members. Thus, the actuating means are not separate from the displacement members, and the actuating means are not free to translate on the gripping body.

For these reasons, claim 18 is not anticipated by either Nicollet or Montgelard.

Claims 19 - 32 are allowable for the same reasons as claim 18 as well as on their own accord.

With respect to the rejection of claim 33, this claim is allowable for the same reasons as its parent claim as well as on its own accord.

The provisional obviousness type double patenting rejection is duly noted; however, it is defective. The Examiner has not made a proper rejection which points out the differences between the claims in the two cases and which provides a line of reasoning as to why the claimed subject matter would be obvious to one of ordinary skill in the art. In other words, the Examiner has failed to do a *Graham v. John Deere* analysis as required by the MPEP. Still further, it should be noted that the claims in the instant application do not recite a locking means including a locking pin. It appears that the Examiner may have been

looking at the wrong set of claims when this rejection was made.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,
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